

I. Oral comments from Alan Magrini, July 12, 2007, on behalf of Hartz Mountain Industries:

Project Location:

1. Comment: The impact fee doesn't take into account the specific impact of specific projects. This is typically based on the ITE; however, certain development locations create more impact than others.

NJMC Staff Response: The proposed formula takes into account the effect of vehicle trips originating within the District on all multi-modal systems. It considers the vehicular travel miles associated with the land use of a particular private development. The proportion of vehicular travel miles associated with the development versus the overall vehicular miles traveled within the District is then applied to the aggregate level of transportation improvements within the District. While two developments identical in size and land use could potentially have different transportation impacts depending on their exact location, the proposed impact fee formula assesses fees based upon the land use's vehicle miles traveled, which accounts for the average number of vehicle miles traveled for a specific development. In comparison to fees that are based on the number of employees, square footage, parking, and/or trips, it was concluded that a fee based upon vehicle miles of travel has the highest correlation to the impact of a development on the transportation network.

Development Specific Improvements and
Credits for Construction or R.O.W. Contribution:

2. Comment: The fee is a straight calculation of dollars per square feet of development. How is the fee impacted by other required improvements such as traffic signals, lane widenings, and R.O.W. dedications for additional turning lanes?

NJMC Staff Response: *Chapter IV, Section B: Application of Credits*, details the types of credits that may be applied against developer fee assessment payments. Credits are allocated for construction or right-of-way contribution if a developer has directly constructed elements of the Transportation Plan or has provided contributions to off-site right-of-way to support Plan elements. In these cases the developer may apply for a credit in lieu of the required fee. Several development specific intersection improvements have been included within the Plan in Table II-12. If any additional development specific improvements are required due to modifications in the development proposal, those improvements will be added to this list.

Scope and Share of Improvements:

3. Comment: Many of the proposed improvements are small municipal-type improvements such as bicycle lanes, sidewalks, and traffic signal timing improvements. These improvements are necessary, but should not be included as part of an impact fee assessment. Including them into this Plan will delay the projects and shift their burden onto future developments. What is the private share of each set of projects?

NJMC Staff Response: Each project included within the Plan is proportioned between existing, future public, and future private responsibility of costs, based on

the specific share of the use and need for a project. An example of the existing public share is the proportion of the cost of an intersection improvement that would be required to mitigate the intersection's existing deficiencies. An example of the future public share is the proportion of the cost of an intersection improvement necessary beyond the existing proportion to mitigate the intersection in the year 2030 if no new non-exempt District development were constructed. Lastly, an example of the future private share would be the proportion of the cost of an overall intersection improvement necessary beyond the no-build 2030 scenario if all of the projected 2030 development were to occur.

While some of the improvement projects may be considered in the category of projects currently constructed by municipalities, the existing and future public shares of these projects will still be derived from the same municipal funding sources and may be constructed in the current manner. However, the private share of these projects would be funded directly by those private developments creating the need for any additional mitigation. The draft Plan will in no way delay or shift any public burden of these projects onto private developments.

The private proportion and share of each category of projects is displayed in *Table IV-3*. The methodology used to calculate the proportional share of each category varied and was based upon the specific methods used to analyze each category of improvement. A description of this methodology is discussed in *Chapter IV, Section A4: Allocate Public and Private Share Costs*. Breakdowns of the existing and future shares of the projects are available in *Chapter IV* of the Plan.

Bicycle and Pedestrian Improvements:

4. Comment: Additional information on the updated bicycle and pedestrian projects should be provided.

NJMC Staff Response: Additional information on the proposed changes to the bicycle and pedestrian projects will be incorporated into the final version of the Plan.

Exempt Developments:

5. Comment: There is a need for a specific list of the exempt developments totaling 48% of the future developments. Private development should be clearly defined. Private development can occur on public land. If projects on government-owned land are exempt there is clear advantage to those properties over development on private property.

NJMC Staff Response: A list and detailed map of all projected developments categorized by the Hackensack Meadowlands Transportation Planning District (HMTDP) Act as both exempt and non-exempt will be included in the appendix under a section called, "District Developments."

All projects identified as being exempt from an impact fee were categorized directly based upon the HMTDP Act. Additionally, all projects exempted from the impact fee are either subject to current NJMC transportation mitigation standards and/or have an agreement with the State of New Jersey for their share of a specific set of

transportation mitigation measures. The total cost of transportation mitigation measures detailed within the individual developers' agreements has been included in the development list mentioned above.

Cost Estimates:

6. Comment: More detail on the derivation of the estimates of the costs of the improvement projects is necessary.

NJMC Staff Response: Information detailing the specific cost estimates for each project included in the Plan is located within *Appendix IV, Cost Estimating Methodology*.

Rational Nexus:

7. Comment: There needs to be some rational nexus and a closer tie between the development projects and the allocation of the funds generated by them.

NJMC Staff Response: The courts have established criteria for obligations that are to be imposed on new developments as conditions for development approval. There must be a nexus between the development and the need for improvements, and the burden imposed must be proportional to the impact of the development. These two criteria are clearly reflected in the HMTDP Act and the Plan.

The Act requires that any development fee be reasonably related to the impact of the proposed development on the transportation system, and that the fee not exceed a fair share of the costs of improvements needed to accommodate that development. The current and projected demographic data displayed in *Table II-3* and the summary of the model analysis in *Table II-7* show the nexus between future development, the impact of those developments in terms of vehicular miles of travel, and the general need for transportation improvements.

Size of the Impact Fees:

8. Comment: The impact fees are significant. Warehouse fees equal \$3.27 per square foot, office fees equal \$6.82, and retail fees equal \$7.03 per square foot. When combined with sewer impact, sewer connection, affordable housing impact, and transit impact fees they are significant and will stifle any future development.

NJMC Staff Response: The values suggested in this comment would be for a new development on a vacant parcel of developable land. Such parcels are in short supply in the District. Redevelopment of a non-vacant lot and development receiving credits for various transportation impact-reducing mechanisms would receive a significantly reduced fee assessment. The HMTDP Act additionally provides the option for impact fees to be paid by developers over a period of 20 years. Broken down, the distribution of an impact fee of \$7.00 per square foot, to be paid over a 20 year period with interest, is approximately \$0.05 per square foot per month, or \$0.60 per square foot per year. An impact fee of this magnitude should not be considered significant.

Administration Costs:

9. Comment: \$7.2 million or 19% of the fees are for administration, \$9.5 million or 25.4% including Planning studies, \$12.5 million or 33% including incident management, traffic counts, and transportation model updates, and \$14.3 million or 37.8% including the transportation efficiency credit program. Of the \$41.1 million in private fees collected, 37.8% are soft costs.

NJMC Staff Response: Table IV-11 details the specific breakdown of District-wide programs. In addition to the specific improvements detailed in the Plan, these programs, including administration, planning studies, incident management, traffic counts, transportation model updates, and the transportation efficiency credit program, are vital to ensure that the ongoing needs of the District's ever-changing transportation system are addressed. Each District-wide program has a specific need that is discussed in detail in *Chapter III, Section G: District-Wide Programs*.

Procedure for Credits and Exemptions:

10. Comment: The procedure for credits and exemptions should be released as a part of the public comment period.

NJMC Staff Response: The principal ideas behind the application of credits are available in *Chapter VI, Section B*. In addition, the public has the opportunity to comment during the rule proposal process.

30-Day Public Comment Period Extension:

11. Comment: The written comment period should be extended by 30 days to September 12, 2007.

NJMC Staff Response: At its meeting on August 2, 2007, the MTPB voted to approve a 30-day extension of the public comment period, giving the public a total of 90 days to offer any comments.

II. Written comments from David J. Hughes, dated September 13, 2007, on behalf of Hartz Mountain Industries:

A. Traffic Comments

1. The NJMC estimates that an increase of 6,800 housing units and 40,000 new employees will occur within the District. Table 11-4 lists seven areas of development, including Xanadu, Transit Village and EnCap:
 - a. Are the seven areas the only areas included in the projections?
 - b. If not, what other areas and specific developments were included?
 - c. Should a map be provided to show the locations of all of the TAZs?

NJMC Response: A map and detailed list of all District developments included in the analysis will be provided in Appendix VII, "District Developments." Figure III-1 displays the location of all traffic analysis zones (TAZs) in the District.

2. The Draft Plan states that the NJMC revised and enhanced a Transportation Model recently developed by its consultants:

- a. Why was it necessary to revise a model that was recently developed?

NJMC Response: The process of creating, enhancing, and updating a transportation models is an ongoing endeavor. Since its initial development in 2002, the NJMC transportation model has been refined twice. Over time conditions change, the transportation industry evolves, and new methods are derived to create models with increasing levels of accuracy. Likewise, with each iteration, the NJMC model has become more precise. Through this process, it became evident that several areas of the model could be improved upon. Additionally, the status of several transportation projects and developments has changed. As a result, several modifications were made to the model in order to obtain the most precise results possible.

- b. What refinements were made?

NJMC Response: The New York Metropolitan Transportation Council (NYMTC) Best Practice Model (BPM), on which the NJMC model is based, was updated to the year 2002, including enhanced levels of calibration. This required subsequent changes to the NJMC model to keep up with industry advances. Additionally, the origin-destination (O-D) trip patterns were utilizing a matrix estimation, constraining the trip table to match observed counts. This process was modified to produce more realistic results. The FRATAR Method of growth, expansion, and balancing the O-D table was applied to scale the base year trip tables based on demographic growth. Another level of accuracy was added in order to utilize the model for multi-modal use by adjusting the application of the New Jersey Transit Demand Forecasting Model (NJTDFM) from transit trip reductions to estimate mode share impacts. The geo-coding of trip generation was updated as well. Lastly, NYMTC background demographics projections were replaced with NJTPA projections to maintain a better level of consistency with other area models and projections.

- c. Why isn't more information provided for evaluation of the Model?

NJMC Response: More detailed information on NJMC's Transportation Model is available in the report entitled NJMC Transportation Model and in subsequent addendums.

d. Since the Model does not accurately estimate traffic volumes at intersections, resulting in manual traffic counts, why then was it used?

NJMC Response: Regional transportation models are an essential tool commonly used for analyzing transportation networks. The NJMC model provided a reasonable forecast of travel on the regional roadway network segments, and served as a basis for identifying needs and potential solutions for these segments. An explanation of the analysis for identifying roadway segment needs can be found in *Appendix III-B1: Roadway Link Improvement Analysis*. Typically, regional transportation models can be easily applied at the link level, but only limited details can be extracted from them at the intersection level. Factors developed as a result of running the NJMC Transportation Model are the most accurate prediction of what effect future variables may have on the District's transportation system.

3. The study determined that even with the implementation of proposed roadway and transit improvements, almost one-half of roadway miles within the District will be congested by 2030:

a. With this level congestion on the roadways, why didn't the study focus on roadway improvements?

NJMC Response: In order to provide well-rounded optimal transportation benefits to the District, the Plan included analyses for both highway and transit, where applicable. As such, roadway improvements were one of numerous focal points of the improvements considered in the Plan. Information on candidate roadway improvements can be found in the Plan on pages III-13 through III-25.

4. The study outlines a substantial amount of existing public transit within the District:

a. Since the District is or will be served by numerous train, light rail and bus routes, why did the study focus heavily on mass transit?

NJMC Response: While the District is served by various modes of transit, accessibility to these services can be significantly improved through proposed shuttle routes that were developed specifically to enhance and supplement existing transit services currently available throughout the District.

b. How was it determined that public transit would be the most important element for the District?

NJMC Response: In an effort to provide optimal transportation benefits to the District, the Plan included projects within all modes of transportation. Shuttle bus initiatives were specifically selected because they provide a low cost alternative to individual private vehicle travel, thus removing additional vehicles from the roadways, and can be implemented in a short time frame. More detailed information on the proposed shuttle routes can be found in the Plan on pages III-2 through III-10.

c. Wouldn't be more prudent to improve roadways?

NJMC Response: Intuitively, it appears that roadway congestion can be directly solved by expanding the capacity of the affected roadways. However, it is widely recognized in transportation research, including the 2030 NJMC model analysis where all candidate projects were analyzed, that increasing the capacity of some roadways creates induced demand on the expanded roadways. The results of the NJMC's 2030 model analysis allowed for the identification of the roadways which will experience this effect. Additionally, the cost benefit analysis provided for the advancement of projects with the most cost effective service benefit. Information on the analysis of recommended projects can be found in the Plan on pages V-1 through V-4.

d. If it was determined that mass transit improvements are needed, why is only one minor bus route change proposed?

NJMC Response: NJ Transit is currently performing a Meadowlands Regional Bus Circulation study. As the NJMC analysis utilized NJ Transit's Transit Score Index formula to determine where potential transit improvements may be necessary, any additional effort to propose changes to NJ Transit's bus routes and schedules would be redundant to the work underway by NJ Transit. All findings of NJ Transit's bus study will be incorporated in the next iteration of the Plan.

e. Why focus on the provision of shuttle service within four areas?

NJMC Response: Each shuttle bus route was specifically developed in order to enhance and supplement existing transit services currently offered throughout the District by connecting dense nodes of existing and proposed development with train stations and major bus routes. Development of the proposed shuttle bus routes was determined by a number of factors, including transit scores (derived from NJ Transit's formula); density; development area size; and access to existing transportation hubs, train stations, bus stops, transit routes, and nodes (such as multi-modal hubs, train stations, and bus stops).

5. The study states that proposed shuttle services are a short-term improvement with numerous benefits.

a. Is this improvement funded?

NJMC Response: Proposed shuttle routes and buses will be funded through various sources, including the impact fees derived in the Plan; participating existing developments and businesses; and District municipalities, counties, and New Jersey Transit.

b. If it is not and funds will be obtained through impact fees, wouldn't the improvement extend through 2030?

NJMC Response: As explained above, a portion of the funding will be obtained through impact fees. The improvements to the transportation network and the capital expenditures related to the shuttle bus routes will be realized in the short term, while the operational costs will be distributed continuously throughout the Plan's timeframe. The schedule of the improvement has been updated in Table V-5 and VII-1.

6. The study states that public transit improvements would reduce 337 vehicle trips on a daily basis.

- a. Since cost effectiveness played a significant part in the analyses, is it cost effective to spend a substantial portion of the impact fees to reduce traffic by 337 daily vehicle trips, considering that thousands of daily trips are made within the District?

NJMC Response: Regional transportation models are an essential tool used for analyzing transportation networks. However, these models have limitations as to how they can be used and interpreted. They are also limited as to the level of interaction that can be analyzed between various modes of travel. As a result, shuttle routes were not evaluated by the model. However, a conservative estimate of ridership was created using NJ Transit's Transit Score Index formula. The actual ridership of each shuttle route will be continuously analyzed and its benefit reassessed over time.

- b. If the study found that the use of mass transit in the area is higher than the state and national averages, and determined that transit improvements will not significantly improve traffic flow within the District, why recommend the improvements?

NJMC Response: As stated in the Plan, efficient public transit is the most important element for providing effective multi-modal travel options within the District. Shuttle bus initiatives were specifically selected as they provide a low cost alternative to private vehicle travel and can be implemented in a short time frame.

- c. Why are operating costs included in the cost estimates?

NJMC Response: A portion of the shuttle costs, including the operating costs, are being funded through the Plan.

- d. Would there be a fee for patrons to utilize the proposed shuttle services?

NJMC Response: No fee would be directly charged to individual riders of the service. New developments and redevelopments would be able to utilize the system as they will be funding it through proposed impact fees. Existing developments would have the option to take part in the proposed service for a fee. Shuttle buses in areas with retail developments would be free to all riders.

7. The NJMC Master Plan states that "having sufficient roadway network capacity... is critically important for the economic well being of the Meadowlands District...".

- a. Why did the study ignore the Master Plan and its findings regarding roadway conditions?

NJMC Response: The Master Plan and Transportation Plan are consistent in that they both recommend the most cost effective and beneficial roadway projects in order to improve roadway network capacity within the District. This is detailed in Chapter 10 of the Master Plan, entitled, "System Plans," under a section entitled, "System 3 Transportation." The third Strategy directive is to "Promote vehicle free flow throughout the district." Additionally, it is noted that the quote referenced in the comment is not a direct quote from the NJMC's Master Plan.

8. The study found that 25 of the 71 roadway segments analyzed would experience congestion by 2030. The study then concluded that the implementation of some improvements would not provide any benefits since traffic from congestion affected roadways within the District would be diverted to improved segments of roadway.

a. Is this approach reasonable and isn't any improvement better than none?

NJMC Response: It is widely recognized in the transportation field that roadway capacity expansion projects under certain conditions can cause induced demand by attracting vehicles from adjacent routes with higher levels of congestion. Future development demographics were analyzed with a roadway network scenario which mitigated all congested roadway segments. The results of this analysis confirmed that induced demand would occur at several of the candidate roadway improvement locations. This was factored into the cost-benefit analysis resulting in the final list of recommended projects.

b. Is this approach contrary to the Master Plan?

NJMC Response: The approach is consistent with the Master Plan, which on page 10-9 directs the NJMC to "...consider interrelationships among roadways, land uses, and the transit system."

9. The study found that numerous interchanges would not function at acceptable conditions.

a. Since the study did not use the NJMC Model for the traffic projections at interchanges, why was an annual growth rate utilized to estimate the future volumes instead of the actual trip generations calculated from the various development areas?

NJMC Response: Regional travel model analysis does not address the specific operations of weaves and merges within the roadway interchanges on the network, but it does indicate which overall interchanges warrant consideration for improvements. The analysis for this Plan used appropriate annual growth rate projections to forecast future interchange traffic, a standard traffic analysis practice. District interchanges were analyzed separately using both the NJDOT regional and NJMC model growth rates, which resulted in identical mitigation measures. *Appendix III-B2: Interchange Improvement Analysis* provides the rationale, method, and findings for this analysis.

10. Manual traffic counts were performed in order to analyze 55 intersections within the District. This was necessary because comparisons between actual traffic volumes and those identified by the NJMC Model were not accurate. However, 2030 volumes were estimated by increasing the counted volumes by factors from the Model.

a. Why were Model factors used to estimate the future volumes even though the Model was found to be inaccurate?

NJMC Response: The NJMC model, by design, provides a reasonable forecast of travel on the regional roadway network segments and, therefore, provides a basis for identifying the growth of traffic approaching intersections. The application of model-based intersection approach growth factors to the existing base condition traffic volumes yielded the best possible future traffic estimates for intersection

performance analysis. Appendix III-B3: Intersection Improvement Analysis provides the rationale, methods, and findings for this analysis.

- b. If the analyses of future conditions determined that 19 of the 55 intersections would experience congestion, why will only a small amount of the impact fees be earmarked for the improvement of identified intersections?

NJMC Response: The total estimated costs associated with mitigating congested intersections were included in the analysis.

11. District-Wide Programs proposed within the Plan are comprised of a number of activities, including funding for signal timing collaboration, improvements at ten (10) locations, planning studies, signal systems analyses, traffic counting, incident management, refinement of the NJMC Model, and administration.

- a. What are the cost estimates for each of the District-Wide functions?

NJMC Response: Cost estimates for each of the District-wide functions can be found in Chapter IV, under Section F on page IV-11. Additional cost estimate information for development intersections and signals has been added to Appendix III-B3, Table D.

- b. Should the costs for existing problems be included in the impact fees?

NJMC Response: Each project included within the Plan is proportioned between existing, future public, and future private responsibility of costs, based on the specific share of the use and need for a project. An example of the existing public share is the proportion of the cost of an intersection improvement that would be required to mitigate the intersection's existing deficiencies. An example of the future public share is the proportion of the cost of an intersection improvement necessary beyond the existing proportion to mitigate the intersection in the year 2030 if no new non-exempt District development were constructed. Lastly, an example of the future private share would be the proportion of the cost of an overall intersection improvement necessary beyond the no-build 2030 scenario if all of the projected 2030 development were to occur.

Each District-wide program entailing an existing and future public deficiency is proportioned accordingly in Chapter VI of the Plan on page VI-6.

- c. Should the costs for administration be included in the impact fees?

NJMC Response: In accordance with the HMTPD Act C.13:17-100(6)g, "The assessment of a development fee shall be reasonably related to the impact of the proposed development on the transportation system of the district and shall not exceed the development's fair share of the cost of the transportation improvement necessary to accommodate the additional burden on the district's transportation system that is attributable to the proposed development and related allowable administrative costs." These administration costs have been included in the plan.

12. The study assessed the various improvements to determine whether they would provide multi-modal connectivity (which can be considered a public benefit to travel within the district) and cost-effectiveness. The study then concluded that all transit,

pedestrian, and bicycle improvements should be implemented. However, none of the interchange improvements and only some of the roadway segment improvements are recommended. From this process, the study estimated that \$94.3 million would be needed for the recommended improvements, of which the following will be allocated:

- \$41.2 million would be allocated for public transit
- \$20.4 million for roadways
- \$29.5 million for District-Wide Administration.

Of the total, \$66.0 million would be attributed to future development.

- a. Since transit improvements proposed within the Plan would reduce congestion by only two (2) percent, how was it determined to be a cost effective measure to implement?

NJMC Response: The cost effectiveness of public transportation initiatives, including shuttle buses, cannot be directly compared to roadway initiatives, as there are additional costs associated with vehicular travel, including vehicle acquisition, insurance, gasoline, and maintenance.

- b. Since the majority of the District improvements would be needed for roadways, is it reasonable to reduce improvements to only five (5) percent, while maintaining all the transit and administration costs?

NJMC Response: The cost benefit analysis provided for the advancement of the projects that displayed the optimum level-of-service benefit when compared to the cost of the project. The improvements eliminated from the Plan were not deemed to be cost effective solutions due to the induced demand effect on newly expanded roadways.

In an effort to provide optimal transportation benefits to the District, the Plan included proposed projects for all modes of transportation. Shuttle bus initiatives were specifically selected as they provide a low cost alternative to private vehicle travel and can be implemented in a short time frame.

13. The study categorized the total trips in the District as being either non-exempt trips, exempt trips, or trips generated outside the District. It then estimated that \$41.1 million would be the responsibility of future developments and would be charged as impact fees. Exempt developments include EnCap and Xanadu, etc. However, it appears that trip generations from these three developments were included in the projections.

- a. Shouldn't those generations be excluded?

NJMC Response: The costs associated with mitigating exempt District trips were proportioned to the future public share of improvement costs. However, each exempt development has been responsible for mitigating their impacts on the transportation system through the current mechanisms in the NJMC regulations and through the NJDOT Access Management Code for developments outside of the District.

- b. Why is 30% of the budget allocated to fund public transit improvements that will advance traffic flow by only 2%?

NJMC Response: Please see responses to comments II.A.12a and II.A.12b.

- c. Why is 18.8% of the budget allocated to fund roadway improvements when the study identified a much larger need?

NJMC Response: Please see response to comment II.A.12b.

- d. Why is the budget for roadway improvements only 2% of the total needed to eliminate the roadway congestion?

NJMC Response: The intent of the Plan is not to eliminate all roadway congestion, but to mitigate the effects of regional growth and developments. Please see response to comment II.A.4c. Furthermore, the total estimated costs associated with recommended roadway projects were included in the Plan.

- 14. The impact fee charged to any development will be calculated by estimating the development's peak hour generations utilizing data published by ITE (taking into account certain adjustments) and multiplying those trips by average trip lengths. The resulting vehicle miles traveled (VMT) would be multiplied by the \$305.17. Credit would be given for right-of-way dedication, construction of improvements in the program, and implementation of programs to reduce private automobile dependency.

- a. Since the District is 30 square miles, isn't it likely that any improvement will not benefit the assessed development?

NJMC Response: The locations of the recommended improvement projects developed for the 2030 build scenario were devised to mitigate the transportation impacts of the 2030 developments and redevelopments. A key difference between the impact fee method and the traditional method of transportation mitigation is that impact fees account for the cumulative effects of development. The traditional method of transportation mitigation, which has been followed by the NJMC for numerous years, has not taken these cumulative effects into consideration. A result of this past process is considerable congestion at locations that are not completely related to one specific development, but related to multiple developments. Additionally, some improvements could be perceived to benefit specific developments more directly, but a reduction in vehicles and congestion throughout the District will have a direct benefit to all travel routes within the District. Lastly, projected developments and recommended projects are uniformly spread throughout the District, leading to a shared benefit to all assessed developments.

- 15. It is noted that the NJDOT Access Code requires that any roadway fair share contributions must be used to directly benefit the contributor.

- a. Why would the fee be based on vehicle generations, yet more than 80% of the budget be allocated to non-vehicle improvements?

NJMC Response: The impact fee system proposed is based upon trip, not vehicle, generations. Additionally, the program of fee assessment developed for the Meadowlands Transportation Planning District is empowered by the Hackensack Meadowlands Transportation Planning District (HMTPD) Act. The mandate of

HMTDP Act is to mitigate all development impacts to the transportation network, including, but not limited to, vehicular, transit, bicycle, and pedestrian travel.

- b. Why is almost 50% of the budget allocated to fund District-Wide programs, some of which would be used for administration?

NJMC Response: The draft version of the NJMC Transportation Plan allocates approximately \$30 million (roughly 30%) of a \$94 million budget to District-wide improvements. The private share of the improvements allocates approximately \$20 million (or roughly 50%) of a \$41 million budget to District-wide improvements. A larger proportion of private funds are allocated to the District-wide programs, as they were developed to directly benefit District developments.

The final version of the Plan will contain a reduction in administration fees of 50%, resulting in a \$3.6 million, or 9%, reduction in the private share of program costs. While the balance of these reduced fees would still be necessary to administer the program, the NJMC will make up this difference. Furthermore, an additional \$1.2 million, or 3% reduction, in the private share of program costs has been reduced from proposed District-wide programs in an effort to reduce the amount of the impact fees. This reduction in program costs will result in a decrease of the total funds available for transportation efficiency credits within the program.

- c. What portion of the District-Wide fees will be allocated towards administration?
It is again noted that the NJDOT Access Code does not include administration in its fair share contributions.

NJMC Response: The draft version of the Plan allocated \$300,000 a year to program administration. As noted in response 15b above, 50% of the program administration costs in the final Plan will be supported by the NJMC. Please also see responses to comments II.A.11c and II.A.15a.

B. Planning Comments

1. Numerous equity issues are raised by the proposed impact fee. The primary issue concerns how to achieve equity of contributions among private developers while assuring that the public continues to pay its fair share.

- a. Why didn't the NJMC conduct research on what other states have done to ensure that their proposed impact fees are equitable? Our research indicates that several states (including New Jersey) have utilized alternative transportation funding mechanisms which should be explored by the NJMC.

NJMC Response: Significant research on transportation impact fees has been conducted by the NJMC and its consulting team, which included DMJM Harris; James Nicholas, an international expert with a concentration on impact fees and former Associate Director of the Environmental and Land Use Law Program at the University of Florida; and Jon Carnegie and Martin Robins, current and former Executive Directors of the Alan M. Voorhees Transportation Center at Rutgers University. The research included a review of the team's collective experience in current and previous transportation impact fee programs in New Jersey, nationwide, and internationally, and a survey of 16 jurisdictions, from various

states, taken from an American Planning Association publication entitled, *Transportation Impact Fees and Excise Taxes*.

2. Alternative models for calculating impact fees must be considered. A background report should be prepared specifying why this particular methodology is favored.
 - a. Why was this methodology chosen and where else has it been implemented successfully?

NJMC Response: Additional information on the review and selection of the proposed impact fee formula was presented to the NJMC in a May 2007 memorandum prepared by James C. Nicholas. The resulting impact fee formula proposed by the NJMC was developed from a combination of the most equitable components of the formulas reviewed in the research described above. The proposed version was advanced directly from the transportation impact fee formula that is successfully being utilized in a majority of counties in the State of Florida.

3. The NJDOT has already developed a methodology for calculating development impacts on roadways and requires a "fair share" contribution from developers.
 - a. As it is an established method, why was this method not chosen to calculate impact fee rates?

NJMC Response: The New Jersey Department of Transportation (NJDOT) State Highway Access Management Code fair share methodology does not address several principals necessary for a successful regional transportation planning district program. First and foremost, the NJDOT process only considers the impacts of development on the state highway network and excludes the impacts on the local roadway network. Furthermore, the "fair share" formula only considers the impacts of development on the roadway network and omits any impacts on alternate modes of travel, including public transit, bicycle, and pedestrian systems. Lastly, the access code system does not consider the cumulative effect of multiple developments on the transportation system. The HMTDP Act recognized the need for an alternative method for determining aggregate impacts across all future development in the District and improvements to address the aggregate needs. The Act states, "Development fees assessed by the commission shall be based upon the growth and development forecasts contained in the Plan and shall be levied in order to raise only those amounts needed to accomplish the transportation projects set forth in the Plan and allowable administrative costs. Those fees shall be assessed based upon the formula or formulas contained in the resolution and shall be uniformly applied, with such exceptions as are authorized or required by P.L.2005, c.102 (C.13:17-95 et seq.). A formula or formulas adopted by the commission by resolution shall reflect a methodology which relates the use of land to the impact of the proposed development on the transportation system."

4. Our analysis indicates that there will be both direct and indirect economic impacts on the Meadowlands district as a result of increased costs associated with the implementation of the development impact fee. Direct impacts include an increase in the cost of new construction, decreases in supply as a result of development declines, and increased housing prices for prospective buyers of existing development. In the

face of lower profits, developers will move to other areas, negotiate lower prices for land, change their product mix, or go out of business. Indirect impacts include lower levels of economic activity, fewer job opportunities, increases in retail prices and sales taxes, and in the long term, decreases in revenue for municipalities contributing to a lower tax base.

a. Why weren't these impacts considered or addressed as part of the Plan?

NJMC Response: All development and redevelopment within the Meadowlands District is currently subject to mitigation of any transportation impacts in accordance with N.J.A.C. 19:4-7.10, Traffic Performance Standards, and N.J.A.C. 16:47, NJDOT Access Code. In the existing process developers perform a Traffic Impact Analysis that designates the mitigations measures that are required to be implemented. The proposed methodology additionally allows developers the alternative of mitigating their impacts through paying either an impact fee in lump sum or over a period of 20 years and/or the construction of elements of the Plan, right-of-way contributions, or credits for transit-related improvements. As developers are currently responsible for a comparable economic share of development impacts, the proposed formula is not perceived to create a significant change in the development process.

5. The impact fee undermines redevelopment efforts taking place in the Meadowlands District. On one hand, the NJMC is promoting growth and development, on the other hand, the NJMC is stifling growth via an impact fee which raises the cost of development.

a. How will the NJMC reconcile this situation?

NJMC Response: As described in the response to comment II.B.4 above, the proposed transportation impact fee process is economically comparable to the existing transportation mitigation process. The proposed methodology additionally allows for credits of all existing, pass-by, diverted, and internal trips associated with a site, consistent with smart growth planning principals. The redevelopment of any property without a net increase in vehicle miles of travel would not be assessed an impact fee. Finally, review of an average net development fee of seven dollars per square foot paid over a 20-year period, including interest, is approximately \$0.05 per square foot per month, or \$0.60 per square foot per year. This overview demonstrates that the proposed process will only have limited impacts on the NJMC's redevelopment efforts.

6. By law, those who finance the impact fees must benefit from the improvements. Further, the fee must be proportionate to the amount of benefit received.

a. How did the NJMC approach the issue of creating a balance between costs and benefits?

NJMC Response: Please see response to comment II.A.12b.

b. How do the developer benefits equal the costs?

NJMC Response: The combined effect of all the modal capital investment and other travel improvement strategies in the Plan benefits all users of the system.

7. It is estimated that 50 percent of the impact fee is allocated for administrative costs and only 20 percent of the fee is allocated toward proposed roadway improvements. Additionally, 30 percent is earmarked for public transit, which will produce only a three percent benefit.
 - a. How can these fee allocations be justified? It should be a goal of the NJMC to reduce administrative costs, thereby redirecting as much of the impact fee to physical transportation improvements as possible.
NJMC Response: The draft version of the Plan allocates \$300,000 per year, which is 17.5% of the impact fee, towards administrative costs. The final version of the Plan will contain a reduction in administration costs of 50%, resulting in a \$3.6 million, or 9% reduction, in the private share of program costs. While these funds remain necessary to administer the program, the NJMC has committed to supporting the balance. Furthermore, an additional \$1.2 million, or 3%, has been reduced from the private share of program costs of proposed District-wide programs in an effort to decrease the amount of the impact fees. This reduction in program costs will result in a decrease of the total funds available for transportation efficiency credits within the program.
8. The locations of potential development sites included as part of the "build scenario" are unclear.
 - a. Where are these development sites located? The Plan should clearly designate the sites where the NJMC anticipates development to occur. A map of these locations should be included as a part of the Plan.
NJMC Response: A list and detailed map of all projected developments categorized by the Hackensack Meadowlands Transportation Planning District (HMTDP) Act as both exempt and non-exempt will be added to the appendix under a section entitled, "District Developments."
9. The NJMC needs to address the existing transportation deficiencies and ensure that an unfair burden is not placed on future developers. If this is not taken into consideration, future developers will pay for impacts resulting from existing developments.
 - a. Please explain how this is not a discriminatory practice.
NJMC Response: Please see response to comment II.A.11b.
10. As an alternative, the NJMC should explore the concept of establishing incentives which can be offered to developers as a means to reduce the impact fee. Incentives to consider could include mixed-use development, greenway/bikeway design, transit-oriented development, open space preservation and "green" design.
 - a. Why were incentives not included in the Plan?
NJMC Response: The Plan includes incentives to reduce the impact fee for potential developers. Details of these incentives can be found on pages VI-7 through VI-18.
11. The issue of "free riders" must be addressed by the Plan.
 - a. Why would developers pay the fee to develop within the NJMC district when they can develop in neighboring municipalities without impact fees?

NJMC Response: Please see responses to comment II.B.4.

12. In concert with the proposed Plan, a regional transportation Planning effort should dovetail with the Meadowlands district improvement Plan.

a. How does the Meadowlands transportation Plan fit into regional transportation Planning efforts?

NJMC Response: The NJMC has been in contact with other agencies and investigated regional transportation planning efforts to the fullest extent possible in order to determine their impact on this Plan. Descriptions of ongoing NJ Transit regional plans may be found on pages VIII-2 and VIII-3, information on NJTPA regional freight plans may be found on page VIII-10, and descriptions of NJDOT regional plans may be found on page VIII-11 of this Plan.

13. A reassessment of the impact fee should be required every five years to recalibrate the impact fee. If the "build scenario" does not occur as Planned, the formula should then be recalibrated.

a. How does the NJMC Plan to address this issue?

NJMC Response: A provision for updating the fee assessment formula is included within the Plan on page VI-12, which states, "The fee assessment formula and fee rate calculation will require periodic updating as both transportation and development conditions change over time. On an annual basis, the Consumer Price Index for the Northeast Urban Series will be used each February to modify fee rates across the board, applying the Index change released January of the same year. In addition, the completion of transportation improvements will identify cost differentials from those estimated for the initial concepts identified in this first MDTP. Future Plan updates will include a review of the parameters, but the NJMC may need to reset certain selective elements on an interim basis between each Plan update."

14. The exempt developments referenced in the Plan must be specifically listed. The NJMC must also state the rationale for omitting these developments.

a. What exempt developments weren't listed in the Plan and why?

NJMC Response: A map and detailed list of all District developments included in the analysis will be provided in *Appendix VII, District Developments*.

C. Evaluation of Individual Costs Comments

1. An evaluation of the line item for "special studies and value engineering" is not clearly defined. In some cases its value is equal to one hundred per cent (100%) of construction costs.

a. Why was this factor utilized when typically items of this nature are ten to fifteen percent (10-15%) of construction costs?

NJMC Response: *Appendix IV, Cost Estimating Methodology*, provides a summary of factors used in construction cost estimates. "Special Studies & Value Engineering" costs vary by project and are based upon its complexity. A review of cost estimates finds that for all projects, the highest percentage of these types of costs to total project costs is 26%, and for all projects that include these costs, the

aggregate percentage of these costs to total project costs is only 4%. Total cost is a more appropriate denominator than construction costs for the basis of estimating the cost of "Special Studies & Value Engineering."

- b. The line item for "contingencies" is shown as thirty percent (30%) of total construction costs. Why was this factor utilized when this calculation is traditionally ten per cent (10%) of construction costs or less?

NJMC Response: 10% is a typical final construction contingency. At the early conceptual stage of project development, which is conducted to identify improvements in the Plan, a more conservative 30% is appropriate to account for the associated greater degree of uncertainty.

III. Written comments from Michael G. McGuinness, dated September 12, 2007, on behalf of the National Association of Industrial and Office Properties (NAIOP):

1. The Meadowlands is an area targeted for development by the Office of Smart Growth, and many of the improvements identified in the Meadowlands District Transportation Plan are needed. However, we do not agree that all of the items identified in the Plan should be the responsibility of new development. Sidewalks and traffic signals, many of which are targeted for areas where future development will not take place, should be installed by the appropriate municipalities as needed.

NJMC Response: Each project included within the Plan is proportioned between existing, future public, and future private responsibility of costs, based on the specific share of the use and need for a project. An example of the existing public share is the proportion of the cost of an intersection improvement that would be required to mitigate the intersection's existing deficiencies. An example of the future public share is the proportion of the cost of an intersection improvement necessary beyond the existing proportion to mitigate the intersection in the year 2030 if no new non-exempt District development were constructed. Lastly, an example of the future private share would be the proportion of the cost of an overall intersection improvement necessary beyond the no-build 2030 scenario if all of the projected 2030 development were to occur.

While some of the improvement projects may be considered in the category of projects currently constructed by municipalities, the existing and future public shares of these projects will still be derived from the same municipal funding sources and may be constructed in the current manner. However, the private share of these projects would be funded directly by those private developments creating the need for any additional mitigation. The draft Plan will in no way delay or shift any public burden of these projects onto private developments.

The private proportion and share of each category of projects is displayed in *Table IV-3*. The methodology used to calculate the proportional share of each category varied and was based upon the specific methods used to analyze each category of improvement. A description of this methodology is discussed in *Chapter IV, Section A4: Allocate Public and Private Share Costs*. Breakdowns of the existing and future shares of the projects are available in *Chapter IV* of the Plan.

2. Also, we are concerned that the Plan's general impact fees are based on square footage, rather than specific project impact. A rational nexus must be demonstrated between the impacts caused by a development and the fees assessed for those impacts. Fees charged in a specific town should be expended within that town.

NJMC Response: The courts have established criteria for obligations that are to be imposed on new developments as conditions for development approval. There must be a nexus between the development and the need for improvements, and the burden imposed must be proportional to the impact of the development. These two criteria are clearly reflected in the HMTDP Act and the Plan.

The Act requires that any development fee be reasonably related to the impact of the proposed development on the transportation system, and that the fee not exceed a fair

share of the costs of improvements needed to accommodate that development. The current and projected demographic data displayed in *Table II-3* and the summary of the model analysis in *Table II-7* show the nexus between future development, the impact of those developments in terms of vehicular miles of travel, and the general need for transportation improvements.

3. It is estimated that these impact fees will amount to approximately \$6 per square foot. While that may not seem like a huge amount, this assessment must be considered in conjunction with affordable housing fees of up to \$20 per square foot and other impact fees that continue to increase in number and amount. The cumulative impact of fees being assessed at every level of government will have the unintended consequence of stopping the provision of much needed affordable housing and transportation improvements due to the chilling effect that these fees will have on development.

NJMC Response: The values suggested in this comment would be for a new development on a vacant parcel of developable land. Such parcels are in short supply in the District. Redevelopment of a non-vacant lot and development receiving credits for various transportation impact-reducing mechanisms would receive a significantly reduced fee assessment. The HMTDP Act additionally provides the option for impact fees to be paid by developers over a period of 20 years. Broken down, the distribution of an impact fee of \$7.00 per square foot, to be paid over a 20 year period with interest, is approximately \$0.05 per square foot per month, or \$0.60 per square foot per year. An impact fee of this magnitude should not be considered significant.

4. NJ-NAIOP also takes issue with the fact that such a large percentage of the fees are used for administrative and Planning purposes, as opposed to actual improvements. Priority must be given to ensuring that transportation fees are used for actual improvements.

NJMC Response: The draft version of the NJMC Transportation Plan allocates approximately \$30 million (roughly 30%) of a \$94 million budget to District-wide improvements,. The private share of the improvements allocates approximately \$20 million (or roughly 50%) of a \$41 million budget to District-wide improvements. A larger proportion of private funds are allocated to the District-wide programs, as they were developed to directly benefit District developments.

The final version of the Plan will contain a reduction in administration fees of 50%, resulting in a \$3.6 million, or 9%, reduction in the private share of program costs. While the balance of these reduced fees would still be necessary to administer the program, the NJMC will make up this difference. Furthermore, an additional \$1.2 million, or 3% reduction, in the private share of program costs has been reduced from proposed District-wide programs in an effort to reduce the amount of the impact fees. This reduction in program costs will result in a decrease of the total funds available for transportation efficiency credits within the program.

IV. Written comments from Jerrold B. Binney, dated September 11, 2007, on behalf of DeCotiis, Fitzpatrick, Cole, and Wisler, LLP:

1. See Section VI A. 3(a) "Mandated Exempt Development". Included as "exempt" developments are "Developments that were issued a zoning certificate prior to the adoption of the fee assessment resolution."

- a. The wording for this exemption should be amended and expanded, as per the corresponding section of the authorizing statute to include "any development that has an approved development agreement with the governing State agency or municipality within the district having primary jurisdiction over the development or for which construction of a material portion of the development has commenced after the date on which a development agreement was executed..."

NJMC Response: A third bullet point has been added on the top of page VI-3 of the Plan that states, "Any development that has an approved development agreement with the governing State agency or municipality within the district having primary jurisdiction over the development or for which construction of a material portion of the development has commenced after the date on which a development agreement was executed." This statement is consistent with the HMTDP Act.

- b. Also, as to this section, the top paragraph on VI-3 states that "Mandatory exemptions, unlike credit or discretionary exemptions, become the responsibility of the public sector and must be addressed with public funding sources." I recommend that this sentence be deleted as misleading. Current private developments, i.e., EnCap and Xanadu, are paying most, if not all, of the costs attributable to the highway improvements for their respective projects, without the use of public funds.

NJMC Response: Text in the top paragraph on page VI-3 of the Plan will be revised to state, "The impacts from the majority of mandated exemptions, unlike credits or the discretionary exemptions, become the responsibility of the individual developments and/or public sector."

- c. Lastly, as to this section, the last sentence of the top paragraph (p.VI-3) reads, "The NJMC has identified fifteen development proposals (including mandated exemptions and other proposals not subject to NJMC jurisdiction) that meet these criteria." These fifteen exemptions should be listed in the Appendices.

NJMC Response: A map and detailed list of all District developments included in the analysis will be provided in Appendix VII, "District Developments."

2. Table VII-1 "Recommended Improvements" includes an improvement at the intersection of Polito Avenue and Rutherford Avenue. The scope and nature of this particular improvement should be clarified as this particular improvement is already part of the EnCap Phase-I project permit.

NJMC Response: The proportion of the project cost being addressed by the EnCap Golf project through its developer's agreement with the EnCap Golf has been reduced from the total mitigation costs to the intersection included in the Plan.

3. Table VIII-1, "Proposed Public Transit Projects Not Advanced in the Current Transportation Plan," includes the new EnCap station on the Bergen County Line. Please explain why this status was assigned in this case.

NJMC Response: The train station proposed as a part of the EnCap Golf project is not advanced in the current version of the Plan because it is being designed, funded, and constructed by a private exempt development and is not subject to an impact fee assessment.

4. Several of the road improvements in the appendices (i.e., 16W) are incorrectly attributed to Xanadu when they are actually "regional improvements" attributed to a number of pending projects.

NJMC Response: Applicable references in the appendix have been updated accordingly.

5. I recommend that the section pertaining to "fee assessment" and the formula thereof be placed on hold pending further study and public examination. This section is very technical in nature and should be subject to greater scrutiny and extended public comment.

NJMC Response: The Plan has been available for public review for a total of 90 days, including 30 days prior to the public hearings, 30 days following the public hearing, and a 30-day extension beyond the original deadline.

V. Written comments from Joel S. Weiner, dated September 4, 2007, on behalf of the North Jersey Transportation Planning Authority (NJTPA):

Freight Issues:

1. Comment: As acknowledged in the Plan, freight needs are significant in the Meadowlands District and deserve special attention at this time. The Plan should address the District's needs by identifying needs, prioritizing projects and developing performance measures to gauge progress in moving goods efficiently. The Plan should identify specific future freight improvements, since so much of the spatial activity in the Meadowlands relates to warehouse/distribution and light manufacturing.

Recommendation: Although Goods Movement is addressed under the Future Plan Elements section of the Plan, the NJTPA recommends moving the discussion of freight needs to an earlier section, perhaps the Introduction, to highlight its over-arching importance.

NJMC Response: The following paragraph will be included on page 5 within the Executive Summary of the Plan:

"Several potential planning and policy initiatives were identified that may be incorporated into future updates of the Plan. These strategies include public transit, bicycle and pedestrian, goods movement, travel demand management, intersection configuration, access management, safety improvements, and infrastructure maintenance. Goods movement is of particular importance since projections of significant increases in square footage of industrial development within the District will result in increased amounts of freight traffic on roadways, railways, and through local ports."

Future iterations of the Plan will include a more detailed description of candidate future freight improvements within Chapters III and IV.

2. Comment: The Meadowlands is a key warehouse/distribution zone; because of the prevalence of this activity (current and projected) this type of activity, NJMC is encouraged to coordinate with other agencies dealing with freight movement to develop a long range program to facilitate goods movement through the District.

Recommendation: Although the Plan currently states that the "... MDTP contains funding to support collaborative work with appropriate public agencies with infrastructure or operations in goods movement," the NJTPA recommends a more detailed discussion of this work in Section III (District-Wide Programs).

NJMC Response: The following text will be included at the end of the paragraph within *Chapter III* of the Plan on page III-38 under the section entitled, "Planning Studies":

"Additionally, the NJMC will collaborate with the NJDOT, the Port Authority of New York and New Jersey, and the NJTPA on a future District-wide freight analysis study to improve goods-movement capacity and mitigate potential development based increases in roadway truck traffic volumes. This will be accomplished through a study that will assess goods movement within the District."

3. Comment: The NJMC should review and incorporate the relevant recommendations emanating from the recently completed *NJTPA Freight System Performance Assessment Study*. Final Summary Report Tables 8 through 13, which summarize needs, issues, and strategies, are attached for easy reference. One of the issues noted is the urgent need for parking and rest areas for trucks.

Recommendation: The NJTPA recommends that the Plan include a link to this report at the NJTPA website:

http://www.njtpa.org/Plan/LRP/Freight_study/fr_study_final_rpts.aspx

NJMC Response: A link to the NJTPA Freight System Performance Assessment Study will be provided in the Plan on page VIII-10, paragraph 1.

Bicycle/Pedestrian Activities:

4. Comment: Although the Bike/Ped needs shown in the original Draft Plan were predominantly trails in wetlands, NJTPA had noted that there was also a need for bike facilities where people live (i.e. Downtown Secaucus, Carlstadt, Moonachie, Little Ferry) and where people work (i.e. Secaucus Outlet Center, Harmon Meadows, Lyndhurst Industrial Center, Carlstadt Industrial Park, West Side Avenue, Secaucus Transfer.) An example cited was a pedestrian/bicycle linkage along Paterson Plank Road to connect the palisades communities east of the District with the downtown area of Secaucus and the area along West Side Avenue where workers originate in West New York, Union City and Jersey City. It was suggested that the Plan identify such improvements and the sponsoring agencies.

Recommendation: The NJTPA recommends that the table entitled, "Revised Improvements: Bicycle and Mixed Use Paths," which was among the presentation materials used by NJMC at the July 12, 2007 Public Hearings, be added to the Plan as part of the Recommended Improvements. This table of revised improvements shows some 31 route-miles of improvements at an estimated cost of \$5.8 million.

NJMC Response: Updated text and tables identifying a revised list of bicycle and pedestrian improvements (including those mentioned at the Public Hearings on July 12, 2007) will be included within Chapter III, *Candidate Improvements*, and Chapter IV, *Estimated Costs of Candidate Improvements*.

5. Comment: Linkages to the Secaucus Transfer Station using Bike and/or Pedestrian facilities would enhance mobility options for District travelers, and enable more efficient use of Secaucus Transfer.

Recommendation: The NJTPA recommends that possible linkages to the Secaucus Transfer Station using Bike and/or Pedestrian facilities should be included in the Plan.

NJMC Response: Bicycle/pedestrian linkages between the Secaucus Transfer Station and surrounding development are part of the revised list of bicycle and pedestrian improvements mentioned in the previous comment and will be included within the revised Chapters III and IV in the latest revision of the Plan.

6. Comment: The NJMC should consider a future study of Bike/Ped linkages in other areas where new facilities have been built recently (such as Secaucus Road and Paterson Plank Road Bridges over Rte. 1&9), both within the District and also in surrounding communities that have an impact on the District. This research could be part of a

planning/engineering study to identify more precisely the types of facilities and the linkages needed, as well as where and how to implement them.

Recommendation: The NJTPA recommends including a discussion of this proposed study in Section III (District-Wide Programs) of the Plan, and enlisting the TMAs to assist in accomplishing this work.

NJMC Response: The following text is included on page VIII-5, under a section entitled, "Potential Future Bicycle and Pedestrian Strategies":

"Potential future pedestrian and bicycle strategies include the following:

- a. An investigation examining potential locations and types of bicycle/pedestrian linkages needed within the District and in surrounding areas and a methodology to determine where and how to implement them."**

7. Comment: Under SAFETEA-LU requirements, metropolitan and state long range plans are to include Bike / Ped programs. SAFETEA-LU also requires that the annual list of projects include investments made in pedestrian walkways and bicycle transportation facilities; these types of projects are being emphasized by regional, state and national transportation agencies (eg. NJTPA, NJDOT, and USDOT). As such, NJMC may pursue project funding through NJDOT and NJTPA.

Recommendation: The NJTPA recommends that NJMC insert a discussion based on this comment within the text of the Plan.

NJMC Response: The following text is included in the last paragraph on page VI-6: "Under Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requirements, a state's annual list of projects must include investments made in pedestrian walkways and bicycle transportation facilities. As a result, these types of projects are being emphasized by regional, state, and national transportation agencies (eg. NJTPA, NJDOT, and USDOT). As such, the NJMC may pursue project funding through NJDOT and NJTPA."

Transit Improvements:

8. Comment: Shuttle services could extend beyond the borders of the Meadowlands District to serve communities such as Paramus, Clifton, Jersey City, Bayonne, and Hackensack. Working with NJ Transit, the NJMC can develop a bus service program that addresses the needs of the employee population working in the Meadowlands and commuting from outside the District.

Recommendation: The NJTPA recommends that NJMC consider a shuttle service from the Secaucus Transfer to points along Rte. 17 North in Bergen County and other major collectors within the industrial areas of the District. The Plan should include a discussion on public transportation expansions, modifications and new services.

NJMC Response: Bergen County has recently completed a comprehensive county-wide bus study involving the implementation of bus rapid transit routes in and around the Bergen County area. One proposed route involves bus rapid transit from Secaucus Junction through the Meadowlands District, along Route 17 to points north of the District. Another proposed bus rapid transit express route begins at Secaucus Junction and follows I-95 north to Route 80 and would serve points north of the District as well.

Additionally, New Jersey Transit is working on a study analyzing all in-District bus routes, which will propose alternative transit service expansions, modifications, and recommendations for new services.

9. Comment: Bus service enhancements can be strengthened through the deployment of Park & Ride facilities that would serve the District's needs as well as serve as interceptors to commuters traveling through the District.

Recommendation: The NJTPA recommends that discussions in the Plan of new and expanded bus service make reference to related Park & Ride facilities.

NJMC Response: The following text is included on page VIII-1, under a section entitled, "Public Transit Background":

"The following are examples of mid-range strategies that are being considered to create more efficient and functional bus routes within the District:

- **The implementation of bus priority routes on bus lines that are currently not running on time.**
- **The installation of bus-only lanes on routes where automobile traffic severely hinders bus travel.**
- **The installation of bus priority signaling along routes where traffic signal timings impede the flow of traffic and adversely affect bus running times.**
- **The implementation of new park-and-ride locations to provide additional multi-modal transit options for District transit users."**

10. Comment: There are possibilities for coordination with other agencies to explore how best to increase connectivity among the District's major employment hubs, the New Jersey Waterfront area, and New York City using such facilities as the Seaview Drive Extension, the Bergen Arches and other potential connectors.

Recommendation: The NJTPA recommends that the Plan include a discussion of this point.

NJMC Response: The Plan provides for connectivity between major employment hubs within the District, New York City, and the New Jersey waterfront. It is stated on page II-8 of the Plan that NJ Transit buses serving the District are heavily oriented toward serving Jersey City and New York City.

Additionally, candidate improvement shuttle bus services mentioned on pages III-5 through III-7 will provide increased connectivity between NJ Transit stations within the District as well as the Tonnelle Avenue light rail station in North Bergen, all of which provide frequent service to New York City and the New Jersey waterfront.

11. Comment: There are major initiatives listed among the projects that have been deferred for future analyses. The model employed in the development of the Meadowlands Plan can be used to project and predict future transit needs against future benchmarks.

Recommendation: While the NJTPA recognizes the methodology used for selecting projects based on the criteria in the fee assessment framework, it recommends that the Plan include a validation of all major transit initiatives being considered by NJ Transit and affecting the Meadowlands District.

NJMC Response: All major NJ Transit initiatives affecting the Meadowlands District are included on page II-4 under a section entitled, "Committed NJ Transit Projects." Each of these initiatives involves an advisory committee that is, or will shortly be, reviewing each project's related Environmental Impact Statement to validate its effectiveness.

Since the NJMC's transportation model incorporates NJ Transit's Demand Forecast Model, any validation of transit initiatives completed by the NJMC would replicate the analysis already performed by NJ Transit.

